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TO: Mail Stop Amendment  
Examiner Kiss  
GAU 2122

Company:

U.S. Patent and Trademark Office

Fax #: 703-872-9306

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Alexandria, VA

FROM: Steven P. Wigmore

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#### Notes/Comments:

Documents submitted via facsimile:

Applicant Peter A.J. Van Der Made

Serial No. 09/642,625

Title  Computer Immune System and Method for Detecting Unwanted Code in a Computer System

Papers Submitted: Statement of Substance of Telephone Interview Conducted on November 2, 2004 Pursuant to MPEP § 713.01 and 37 C.F.R. § 1.33(b) (3-pgs.)

Attorney SPW/evc

Date Mailed 12/15/04

Docket 05456.105041

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter A. J. Van Der Made

Serial No. 09/642,625

Filed: August 18, 2000

For: Computer Immune System and Method  
for Detecting Unwanted Code in a  
Computer System

)  
)  
) Art Unit: 2122  
)  
) Confirmation No.: 8243  
)  
) Examiner: Kiss, E.  
)  
)  
)

**STATEMENT OF SUBSTANCE OF TELEPHONE INTERVIEW CONDUCTED ON  
NOVEMBER 2, 2004 PURSUANT TO MPEP § 713.01 and 37 C.F.R. § 1.33(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 15, 2004

Responsive to the Interview Summary mailed on November 19, 2004, the Applicant submits the following remarks for the Examiner's consideration. The Applicant notes that the response filed on November 11, 2004 contains an interview summary as required by 37 C.F.R. § 1.133(b). As a courtesy, the Applicant has provided another copy of that summary listed below. Additionally, the Applicant submits supplemental remarks in response to some points raised by the Examiner's Interview Summary.

**Applicant Summary of Telephonic Interview of November 2, 2004**

The Applicant and the undersigned thank the Examiner for his time and consideration given during the telephonic interview of November 2, 2004. During this telephonic interview, a proposed amendment to the claims was discussed. The Applicant provided the proposed

I hereby certify that this correspondence is being facsimile transmitted to: Mail Stop Amendment, Commissioner for Patents, , P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Examiner Kiss, GAU 2122, Facsimile No. (703) 872-9306, on December 15, 2004.

  
Steven P. Wigmore Reg. No. 40,447

Application Serial No. 09/642,625

amendment to the claims in advance of the interview and in connection with an Applicant Initiated Interview Request Form submitted by the Applicant on October 25, 2004.

Examiner Kiss provided his thoughts on the proposed changes to the claims. The Examiner stated that he did not believe that the 1997 article entitled "Understanding Heuristics: Symantec's Bloodhound Technology" (hereinafter, the "UHSBT reference") provides any teaching of generating a behavior pattern for the target program by tracking functions performed and not performed by the target program with flags in a behavior pattern field and by tracking a sequence in which the functions are called by the target program with the behavior pattern field, as was provided in proposed amended independent Claim 11. The undersigned agreed with the Examiner that the UHSBT reference does not provide any discussion of how it tracks behaviors of target programs.

In the proposed amendment submitted on October 25, 2004 to the Examiner, only independent Claims 11, 20, and 26 included the language describing how a behavior pattern is generated with a behavior pattern field. The Examiner and undersigned agreed to amend each of the independent claims to include the language describing the behavior pattern as this feature was not taught by the UHSBT reference. The Examiner stated that while the UHSBT reference does not appear to teach the generation of a behavior pattern as claimed, the Examiner indicated that he would need to conduct an update search before any final decision is made with respect to the claims.

The Applicant and the undersigned request the Examiner to review this interview summary and to approve it by writing "Interview Record OK" along with his initials and the date next to this summary in the margin as discussed in MPEP § 713.04, p. 700-202.

**Response to Examiner's Request for Clarification**  
**as Mentioned in Examiner's Interview Summary**

The Examiner requested Applicant's representative to check the application for support of the amendments made to the claims. Specifically, the Examiner invited clarification as to whether the new limitations added to the claims suggest that sequence information is stored within the behavior pattern field.

The Applicant notes that page 23, lines 1-10 describe a behavior pattern field (Tstruct) that sets flags as the functions represented by those flags are virtualized. The sequence in which

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these functions are called is recorded in a sequencer. In light of these teachings, it is believed that the behavior pattern field tracks functions performed and not performed by the target program as well as the sequence of the functions performed. In other words, the behavior pattern field provides sequence information to the sequencer and therefore, the behavior pattern performs the function of tracking the sequence in which functions are called by the target program.


If the Examiner has any questions regarding these remarks, he is invited to contact the undersigned by telephone.

### CONCLUSION

The foregoing is submitted as a full and complete response Examiner Interview Summary mailed on November 19, 2004. The Applicant and the undersigned thank Examiner Kiss for consideration of these remarks and interview summary. The Applicant respectfully submits that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any formalities that can be corrected by an Examiner's amendment, please contact the undersigned in the Atlanta Metropolitan area (404) 572-2884.

Respectfully submitted,

  
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